

LETTER

FROM

THE HON. D. L. YULEE.

Stating the reasons which will induce him to contest the seat of the Hon. STEPHEN R. MALLORY, who was declared to be elected the Senator from Florida for the ensuing term.

MARCH 8, 1851.

Read and ordered to be printed.

WASHINGTON, March 8, 1851.

To the Senate of the United States:

I beg leave to present an extract from the daily Journal of the General Assembly of Florida, printed by authority and for the use of that body, showing the proceedings and vote which took place on the 13th day of January last, in the choice of a Senator of the United States, for the term commencing the 4th of March current.

It will be seen the President of the joint meeting announced there was no choice. In consequence whereof the legislature proceeded in several successive votings, until on a subsequent day, it was announced that the Hon. Stephen R. Mallory was chosen.

After a careful examination of the subject, I have a strong conviction, that the first voting completed an election, that in fact and right, I was then duly and constitutionally chosen, and that all the subsequent proceedings were therefore void.

It appears that I was the only person put in nomination—that no votes were given for any other eligible person—and that more than a majority of a quorum of the elective body declared me to be their choice.

It is understood that the legislature acted under an impression that the concurring voices of a major part of all the members elected to the two branches (the aggregate being fifty-nine) was necessary to a choice; and that number (to wit, thirty) not having declared for an eligible person no choice was thought to have been made.

If I was legally elected, as I believe to be the case, it is my duty to assert a right to the office; and as a failure to do so now, when the Senate is convened, and I am present in the city, might be interpreted into an abandonment of claim, or at the least into negligence in its assertion—I have thought it incumbent upon me to bring the subject to the notice of the body. But as my friend Mr. Mallory, who will doubtless regard it his duty to present himself with his credentials, is not now here, it is not my purpose or wish to press the question, nor to ask a decision until he can be present.

With respect and consideration, your fellow citizen,

D. L. YULEE.

*Extract from the Journal of the General Assembly of Florida, for the
13th day of January, 1851.*

On motion of Mr. Milton,

A committee of three, consisting of Messrs. Milton, Baker and Wardlaw, was appointed to wait upon the Senate, and inform that body of the readiness of the House to proceed to the election of United States Senator and other officers, according to resolution previously adopted by the two Houses.

A committee from the Senate, announced that the Senate would be ready in a few minutes to proceed to said elections.

The Senate entered the Hall, and the President, upon invitation of the Speaker, took the chair.

The President having announced the object of the joint meeting and that the election for Senator was now in order;

Mr. Milton nominated David L. Yulee for that office.

The first vote resulted as follows:

For YULEE:—*Senate*—Mr. President, Messrs. Brown, of Columbia, Brown of Hillsborough, Forward, Johnson, Maxwell, Mosely, Perry and Taylor—9. *House*—Mr. Speaker, Messrs. Anderson, Bennett, Bradley, Burnham, Dilworth, Finlayson, Hawes, James S. Jones, John W. Jones, Kenan, Kilcresse, Lott, Magbee, Milton, Smith, Standley, Steele, Taylor and Wardlaw—20. Total, 29.

BLANK:—*Senate*—Messrs. Austin, Avery, Baldwin, Buddington, Crawford, Finley, McMillan, Smith and Stewart—9. *House*—Messrs. Allen, Baker, Battle, Brett, Brownell, Brown, Bryant, Ferguson, Geiger, Hopkins, Langford, Long, Mathers, Maxwell, McCall, Plummer, Scott, Shine, Turner and Wilkinson—20. Total, 29.

The President announced that there was no election.